

company ; read second time, and on motion of Mr. McAnelly, referred to the committee on Internal Improvements.

On motion of Mr. Kyle, a bill to prescribe the time of holding the districts courts in the second judicial district, was taken up and ordered to be engrossed.

On motion of Mr. Hill, rule suspended, read third time and passed.

Mr. Martin, by leave, introduced a bill to incorporate the Porter's Bluff Turnpike company ; read first time, and on motion of Mr. Martin, rule suspended, read second time and referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Hill, a bill to define the 4th judicial district of Texas, and to prescribe the time of holding courts therein, was taken up and ordered to be engrossed.

On motion of Mr. Paschal, rule suspended, bill read third time and passed.

A bill supplementary to and amending an act to define the time of holding the district court in the third and thirteenth judicial districts, approved February 7th, 1853 ; read second time and ordered to be engrossed.

On motion of Mr. Paschal, rule suspended, read third time and passed.

On motion of Mr. Paschal, a bill to create the 14th judicial district of Texas, and to fix the time of holding courts therein, was taken up, rule suspended, bill read third time and passed.

On motion of Mr. Guinn, the Senate adjourned until 9 o'clock to-morrow morning.

SATURDAY, January 21, 1854.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Hill presented the petition of William Hensley, asking the passage of an act constituting the children of his wife, by her former husband, Burchett, his heirs-at-law ; referred to the committee on the Judiciary.

Mr. Holland, chairman of the committee on Education, to whom was referred a bill to establish a system of schools, orig-

inating in the House, and adopted by that body as a substitute for the Senate's bill to establish a system of common schools, reported the same back to the Senate and recommended its passage.

Mr. Holland, of said committee, to whom was referred a bill to incorporate the Alma Female Institute, reported the same back and recommended its passage.

Mr. Doane, chairman of the committee on Indian Affairs, to whom was referred a bill relating to the Indians of Texas, reported the same back and recommended its passage.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Nueces and San Patricio Causeway company, reported the same back to the Senate and recommended its passage.

Mr. Kyle, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Porter's Bluff Turnpike company, reported the same back and recommended its passage.

Mr. McDade, chairman of the committee on Counties and County Boundaries, to whom was referred a bill supplementary to an act to incorporate the town of Carthage, in Panola county, approved January 19th, 1852, and a bill to create the county of Coryell, reported said bills back to the Senate and recommended their passage.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Columbia, Wharton and Austin Railroad company, reported the same back and recommended its passage.

Mr. Paschal, of said committee, to whom was referred a bill to encourage the building of steamboats, steamships and other vessels in the State of Texas, reported the same back and recommended its passage.

Mr. Paschal, of said committee, to whom was referred a bill to incorporate the Trinity River and Galveston Bay Dredging company, reported the same back and recommended its passage.

Mr. Scarborough, chairman of the Select committee, to whom was referred a bill to regulate Mustang chases, reported the same back and recommended its passage.

Mr. Taylor, chairman on the part of the Senate, of a Select Joint committee, made the following report :

The Joint committee appointed in accordance with the recommendation of the Governor, for the purpose of examining the new treasury building, now being erected, have performed the duty assigned them, and find the facts strictly true as set forth in the reports of James B. Shaw and James H. Raymond, Esqrs.,

commissioners. We consider that the change from the original plan was highly necessary and important; and while we accord due credit to the commissioners for the faithful performance of their duties, at the same time we cannot withhold our admiration of the superior architecture and finish the building has thus far received from Mr. DeChaumes, the contractor; and which not only reflects great credit on all concerned in its construction, but also on the State itself. The committee have, therefore, instructed me to report the accompanying bill and recommend its passage:

A bill to make a further appropriation for the erection of a fire proof Treasury Department and Comptroller's Office of the State of Texas; read first time.

Mr. Guinn introduced a bill to incorporate two Universities for the State of Texas; read first time, and on motion of Mr. Guinn, rule suspended, read second time and referred to the committee on Education.

Mr. Lott introduced a bill for the relief of James White; read first time, and on motion of Mr. Lott, rule suspended, read second time and referred to the committee on Private Land Claims.

Mr. Jowers introduced a bill supplementary to and amending an act to establish the Texas Orphan Asylum, approved February 7th, 1853; read first time, and on motion of Mr. Martin, rule suspended, read second time and referred to a Select committee.

Messrs. Martin, Jowers and McDade were appointed said committee.

Mr. Taylor, from the committee on Engrossed Bills, reported a bill to incorporate the San Jacinto Bridge company correctly engrossed.

ORDERS OF THE DAY.

The Senate concurred in the amendments of the House to a bill supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike company, and to a bill to more permanently locate the county site of Cooke county.

On motion of Mr. Armstrong, a bill for the relief of the heirs of B. R. Milam was taken up and read.

Mr. Hart offered the following amendment, which was adopted:

In the first section, 29th line, after the words "B. R. Milam," strike out all of the remainder of said section and insert: "And shall also renounce in favor of the State, all and any claim which, as legal representatives of B. R. Milam, they may have

upon the State of Texas on account of the eleven leagues of land surveyed and claimed by the late B. R. Milam, as his head-right, on Red River, opposite the mouth of Little River; and that nothing in this act shall be so construed as a recognition on the part of the Legislature of Texas of any eleven league grant whatever.

"Sec. 2. That the ten leagues and labors granted by this act shall enure to the benefit of the legal claimants under B. R. Milam, deceased; and that this act take effect and be in force from and after its passage."

Mr. Armstrong offered the following amendment:

After the word "heirs," wherever it occurs, add the words, "and devisees." Adopted.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hart, Hill, Holland, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Paschal, Pedigo, Scarborough, Scott, Superviele and Whitaker—20.

NAYS—Messrs. Armstrong, Burks, Guinn, Millican, Newman, Weatherford and Wren—7.

On motion of Mr. Paschal, rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Gage, Hart, Hill, Keenan, Kyle, Lott, McAnelly, McDade, Paschal, Pedigo, Scarborough, Scott, Superviele and Whitaker—18.

NAYS—Messrs. Armstrong, Burks, Guinn, Holland, Martin, Millican, Newman, Taylor, Weatherford and Wren—10.

A message was received from the Governor, transmitting the following communication:

EXECUTIVE OFFICE, January 20, 1854.

*Gentlemen of the Senate and
of the House of Representatives:*

I have examined an act relinquishing to the counties the State tax for the years 1854 and 1855, and find that it contains provisions to which I cannot give my assent.

The first section provides, "that nine-tenths of the State tax, hereafter to be collected under existing laws, on the assessment to be made for the years 1854 and 1855, are relinquished to the respective counties where said tax is assessed, to be disbursed for the benefit of said counties," &c.

If this relinquishment had been made to the counties in which the property is situated, upon which the taxes are assessed, I

should have no objection to the bill, and would have approved it.

You are aware that under our assessment laws each individual has the privilege of assessing all of his property in the State in the county where he resides, although portions of it may be situated in every other county of the State; and this is the usual mode in which the property of residents in the State is assessed; consequently, the effect of the law will be, that the taxes collected upon property situated in one county, will, in many instances, be expended in and for the benefit of another county.

I understand that the object of this law is to enable the counties to pay their debts, erect court-houses and jails, and make such other improvements as will tend to the convenience of the people. All of these objects are proper charges upon the persons and property of the citizens of the county in which they are to be effected, and I do not consider it just to tax property situated in one county to be expended for these objects in another county. This provision is particularly unjust to the citizens of the frontier counties, where most of the land is owned by non-residents of the county. Courthouses and jails have to be erected, and other improvements made; all of which tend to enhance the value of all the real estate in the county—that of non-residents as well as residents—while the whole expense of making these improvements falls upon the property of residents of the county, except so far as the county tax may contribute towards making them, which in most of the counties is insufficient to pay the ordinary county expenses.

I am aware that the 8th section of this act provides, that the taxes of non-residents, which are paid to the Comptroller, shall be paid over to those counties where the property is situated upon which such taxes are paid; but it will be found, on examination, that only a very small portion of the taxes of non-residents are paid to the Comptroller, and that much the largest portion is paid to the assessors and collectors of other counties than those in which the property is situated.

These considerations have induced me to withhold my approval from the bill in question, and I therefore return it to you in accordance with the requirements of the constitution.

E. M. PEASE.

On motion of Mr. Taylor, the message and bill were made the special order of the day for Monday the 23d inst., at 11 o'clock.

A bill making an appropriation of five thousand dollars for the indemnification of the owners of slaves executed since the 24th January, 1852; read third time and passed.

A bill to amend an act entitled an act to fix the pay and mileage of the members of the Legislature, approved April 13th, 1846; read third time.

On motion of Mr. Guinn there was a call of the Senate.

Messrs. Doane, Durst, Holland and Sublett being absent, the Sergeant-at-Arms was dispatched for them.

A bill to prescribe the time within which railroad companies shall construct their roads in order to entitle them to donations of land from the State; read third time and passed.

A bill to incorporate the Ursuline Convent and Female Academy of San Antonio de Bexar: read third time and passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Durst, Gage, Guinn, Hart, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Superviele, Weatherford and Wren—28.

NAYS—Messrs. Taylor and Whitaker—2.

A bill concerning certain liabilities reported by the Auditor and Comptroller and confirmed by the Legislature; read.

Mr. Bryan moved to amend, by adding to the end of the 1st section the words, "as a first class claim;" lost by the following vote:

YEAS—Messrs. Allen, Doane, Hill, Lott, McAnelly, McDade, Millican, Sublett, Taylor and Weatherford—10.

NAYS—Messrs. Armstrong, Bryan, Burks, Durst, Gage, Guinn, Hart, Holland, Jowers, Keenan, Kyle, Martin, Newman, Paschal, Potter, Scott, Superviele, Whitaker and Wren—19.

On motion of Mr. Scott, bill laid on the table by the following vote:

YEAS—Messrs. Allen, Armstrong, Burks, Durst, Guinn, Hart, Holland, Kyle, Martin, Millican, Newman, Scott, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—18.

NAYS—Messrs. Bryan, Doane, Gage, Hill, Jowers, Keenan, Lott, McAnelly, McDade, Paschal, Potter and Scarborough—12.

A message was received from the House, informing the Senate that the House had passed a bill originating in the Senate, to encourage the construction of railroads in Texas by donations of land.

The Senate being full, the call was suspended.

The question recurring upon the passage of a bill to amend an act to fix the pay and mileage of the members of the Legislature, approved April 13th, 1846, the vote stood as follows:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Guinn, Hill, Kee-

nan, McAnelly, McDade, Millican, Paschal, Pedigo, Potter, Scarborough, Subiett and Superviele—16.

NAYS—Messrs. Armstrong, Burks, Gage, Hart, Holland, Jowers, Kyle, Lott, Martin, Newman, Scott, Taylor, Weatherford, Whitaker and Wren—15.

A bill to permit and require Stewart Perry or his assignee to present his claim to the Auditorial Board; read, and on motion of Mr. Keenan, laid on the table.

On motion of Mr. Taylor, the Senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill supplementary to an act to incorporate the Vicksburg and El Paso Railroad, with the report of Select committee offering a substitute for the 3d section; on motion of Mr. Keenan, laid on the table.

A bill for the relief of Anselmo de Jesus Perez; read second time and ordered to be engrossed.

A message was received from the House, informing the Senate that the House had passed the following bills originating in that body:

A bill to provide for the issuance of bounty and donation land warrants to persons entitled to the same;

A bill to incorporate the town of McKinney, in the county of Collin;

And a bill to incorporate the McWilliams Turnpike company.

A bill for the relief of the heirs of Miles Scurlock; read second time, and on motion of Mr. Bryan, referred to the committee on Private Land Claims.

A bill authorising and requiring the Governor of the State to have surveyed the unlocated balance of the University lands; read second time and ordered to be engrossed.

Mr. Taylor, from the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to prescribe the time of holding the district courts in the 2d judicial district;

A bill supplementary to an act authorising the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county, under certain restrictions, approved February 5th, 1850;

A bill to create the 14th judicial district of Texas, and to fix the time of holding courts therein;

A bill for the relief of Eli Hart;

A bill supplementary to and amending an act to define the time of holding the district court in the 3d and 13th judicial districts, approved February 7th, 1853;

A bill authorising John J. Grumbles to build a steam, saw and planing mill on the public land or commons of the city of Austin;

A bill to define the 4th judicial district, and to prescribe the time of holding courts therein;

And a bill authorising William D. Dillon to practice law.

A bill relating to certain applications and surveys made in the Milam and Bexar Land Districts; read second time.

Mr. Paschal offered the following amendment:

"That this act shall cure the above defects and none other, and that the above lands shall be patented if otherwise done according to law; and that this act take effect from and after its passage."

Adopted, and bill ordered to be engrossed.

A bill to amend an act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purposes of education, approved February 5th, 1840; read second time.

Mr. Bryan offered the following amendment to come in at the end of the first section:

"*Provided*, That in no case the expense of said surveying and locating shall be greater than at the rate of two hundred dollars per league."

Adopted, and bill ordered to be engrossed.

A bill requiring James B. Shaw to sell the Old State House; read second time, and on motion of Mr. Taylor, referred to the committee on Finance.

A bill for the relief of Hamilton Ledbetter; read second time, and on motion of Mr. Hill, referred to the committee on Private Land Claims.

A bill for the relief of the creditors of the late Republic of Texas; read second time, and on motion of Mr. Kyle, referred to the committee on Public Debt.

A bill to provide for the removal of the county seat of Comal county to the centre of said county; read second time, and on motion of Mr. Kyle, referred to the committee on Counties and County Boundaries.

A bill for the relief of Jose Cornelio Delgado; read second time, and on motion of Mr. Superviele, referred to the committee on Private Land Claims.

A bill for the relief of Jesse Zumwalt; read second time and on motion of Mr. Kyle, referred to the same committee.

A bill for the relief of Dorothy Benton; read second time, and on motion of Mr. Taylor, referred to the same committee.

A bill for the relief of Richard T. Barnett; read second time, and on motion of Mr. Kyle, referred to the same committee.

A bill to incorporate Hopkins Encampment, No. 7, of the Independent Order of Odd Fellows; read second time, and on motion of Mr. Hill, referred to the committee on State Affairs.

A bill to incorporate La Grange Lodge, No. 30, of the Independent Order of Odd Fellows; read second time, and on motion of Mr. Hill, referred to the same committee.

A bill for the relief of John Harwood; read second time, and on motion of Mr. Scott, referred to the committee on Private Land Claims.

A bill to provide a summary remedy for sureties; read second time, and on motion of Mr. Hill, referred to the committee on the Judiciary.

Joint resolution authorising the Governor of the State to submit to a vote of the people a proposition to loan the school fund in aid of the construction of railroads; read second time, and on motion of Mr. Gage, referred to the committee on Internal Improvements.

Joint resolution, that the two houses of the Legislature will adjourn *sine die*, on Monday the 23d inst.; read second time.

Mr. Taylor moved to amend, by striking out "Monday the 23d inst.," and inserting "13th of February."

On motion of Mr. Paschal, there was a division of the question.

Motion to strike out prevailed.

Motion to insert lost.

Mr. Paschal then moved to fill the blank with the "20th of February."

On motion of Mr. Scott, joint resolution with said motion were laid on the table.

A bill to amend an act to raise a revenue by taxation, approved February 11th, 1850; read second time and ordered to be engrossed.

A bill to amend an act concerning irrigation property, approved 10th February, 1852; read second time, and on motion of Mr. Hill, referred to the committee on State Affairs.

A bill for the relief of D. P. Fowler; read second time, and on motion of Mr. Hart, referred to the committee on Public Debt.

A bill to amend an act to regulate the descent and distribution

of intestate's estates, approved 18th ———, 1848; read second time, and on motion of Mr. Hart, referred to the committee on the Judiciary.

A bill defining the boundaries of Medina county: read second time and ordered to be engrossed.

A bill to authorise the Auditor and Comptroller to audit the claims comprised in document "C," as reported by the Auditorial Board on the 12th of November, 1851; on motion of Mr. Hart, made the special order for Tuesday the 24th inst.

A bill to grant ninety-four sections of land, of six hundred and forty acres each, to the Galveston and Brazos Navigation company; read second time and ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Bryan, Durst, Hill, Keenan, Kyle, Martin, McAnelly, McDade, Millican, Paschal, Pedigo, Potter, Scott and Superviele—15.

NAYS—Messrs. Armstrong, Burks, Gage, Guinn, Hart, Jowers, Newman, Taylor, Weatherford, Whitaker and Wren—11.

A bill for the relief of Powell R. Edwards; read second time and ordered to be engrossed.

A bill to change the name of Margaret Catharine Burks to Margaret Catharine Moore, and the name of Emily Jane Burks to Emily Jane Clark; read second time and ordered to be engrossed.

A bill to incorporate the Starr Academy; read second time and ordered to be engrossed.

A bill to prevent the sale of intoxicating liquors within three miles of the public square in the town of Independence in Washington county; read second time and ordered to be engrossed.

A bill to incorporate the Gilmore Academy, in the county of Upshur; read second time and ordered to be engrossed.

On motion of Mr. Potter, a bill supplementary to an act concerning crimes and punishments, was made the order of the day for Monday the 23d inst.

A bill for the relief of John Walker; read second time and ordered to be engrossed.

A bill for the relief of John W. Clark; read second time and ordered to be engrossed.

A bill to locate the seat of justice of Robertson county; read second time and ordered to be engrossed.

On motion of Mr. Pedigo, report of the committee on Internal Improvements offering a substitute for a bill supplementary to and amending an act to incorporate the Henderson and Burkeville Railroad company, approved February 10th, 1852, was taken up and adopted, and bill ordered to be engrossed.

Mr. Bryan offered the following amendment :

"Provided, That the lands granted by the act to which this is a supplement shall be selected and surveyed on or before the expiration of ten years, and not thereafter." Adopted.

On motion of Mr. Pedigo, the rule was further suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Gage, Guinn, Hart, Hill, Jowers, Keenan, Kyle, Martin, McAnelly, Millican, Newman, Paschal, Pedigo, Scott, Superviele, Whitaker and Wren.—21.

NAYS—Mr. Weatherford—1.

On motion of Mr. Bryan, the rule requiring reports to lie on the table one day was suspended, and a bill to incorporate the Columbia, Wharton and Austin Railroad company taken up.

Mr. Bryan offered the following amendment :

Strike out, in 6th line of section 20, "the Colorado River," and insert "97° West longitude," after the words "West of."

Adopted, and bill passed to a third reading.

On motion of Mr. Jowers, the Senate adjourned until 10 o'clock Monday morning.

MONDAY, January 23, 1854.

The Senate met pursuant to adjournment—prayer by the Rev. Mr. Thrall—roll called—quorum present.

The Journal of Saturday read and adopted.

Mr. Potter presented the petition of Nathaniel Hoyt, asking for relief; referred to the committee on Public Debt.

Mr. Taylor, chairman of the committee on Public Debt, made the following report :

The committee on Public Debt have considered the petition of Leslie Combs, and after due deliberation thereon, have instructed me to report a bill for his relief and recommend its passage :

A bill for the relief of Leslie Combs; read first time.

Mr. Taylor, chairman of committee on Public Debt, made the following report :

The committee on Public Debt have considered a joint resolution instructing our Senators and requesting our Representatives in Congress to effect an adjustment of the act establishing the northern boundary of the State of Texas, and are of opinion